

CITY OF BEDFORD, OHIO

ORDINANCE NO

BEING AN ORDINANCE WHICH ESTABLISHES RULES AND
REGULATIONS FOR THE USE OF SOLAR ENERGY PANELS
WITHIN THE CITY OF BEDFORD AND DECLARING AN
EMERGENCY

WHEREAS, the Council of the City of Bedford, Ohio recognizes that due to a number of factors, a greater interest has been expressed in alternative energy sources for both residential and commercial uses, including the use of solar energy equipment, and

WHEREAS, THE City Council of the City of Bedford believes that regulations are appropriate for solar energy equipment to permit their use subject to certain conditions and criteria and to allow City residents and businesses to take advantage of solar energy equipment while attempting to protect Bedford's historic character and ensure the health, safety and welfare of the citizens of Bedford, and

WHEREAS, the Council of the City of Bedford, Ohio recognizes that strong enforcement of the Codified Ordinances of the City of Bedford is necessary to preserve the public health and safety, and

WHEREAS, it is also recognized and agreed by the Council of the City of Bedford, Ohio that strong enforcement of the Codified Ordinances requires just and appropriate penalties for violations of these Ordinances,

NOW, THEREFORE

BE IT ORDAINED by the Council of the City of Bedford, County of Cuyahoga, and State of Ohio:

Section 1. That the Council hereby declares by the adoption of Chapter 1961 of the Codified Ordinances hereto attached that said rules and regulations for the use of Solar Energy Equipment are in the interest of the public peace, health, safety, and welfare of the citizens of the City of Bedford.

Section 2. That this ordinance is declared to be an emergency measure immediately necessary for the public peace, health, safety, and welfare and for the reason that it is necessary to enact this Ordinance at the earliest possible time to prevent the installation of Solar Energy Equipment within the City of Bedford in the absence of the necessary regulation.

Section 3. That Chapter 1961 of the Codified Ordinances of the City of Bedford as it relates to the regulation of Solar Energy Equipment within the City of Bedford shall read as follows:

CHAPTER 1961

SOLAR ENERGY SYSTEMS

1961.01 Purpose: The purpose of this Section is to provide standards for the use of solar energy equipment as conditional accessory uses within the City of Bedford, Ohio. This Section seeks to protect the Historic nature and significance of neighborhoods, to protect properties from incompatible uses, and to conserve and enhance property values while promoting the use of alternative energy sources where appropriate. This Section provides a process to facilitate the use of solar power in a manner that minimizes visual impacts of solar energy equipment and the potential for nuisance.

1961.02 Definition: Solar energy equipment is defined as a solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

1961.03 Conditional Accessory Use: Solar energy equipment shall be considered a conditional accessory use only in any zoning district upon receipt of the required permits from the Building Commissioner.

A. Exclusions from zoning permit requirement:

1. Repair and replacement of existing solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.

B. The use of energy from an approved Solar Energy System shall be intended only for the energy requirements of the principal use of the parcel on which the system is located. This requirement is not intended to prohibit the sale of excess power generated at times from the system.

1961.04 Application for Zoning Permit: An applicant who seeks to install solar energy equipment shall submit an application for a Zoning Permit, as provided by the City of Bedford, Ohio. The application shall include a site plan showing the streets and rights-of-way, property lines of the subject property as well as the property lines of the neighbors that are immediately adjacent, all existing structures on both the subject property and the neighboring properties immediately contiguous, and the location of all above-ground utilities. The application shall also include photographs of the existing conditions of the property, as well as

renderings of the proposed solar energy equipment and a description of the screening to be provided for ground or wall-mounted solar energy equipment.

1961.05 Review of Zoning Permit Application:

A. Upon receipt of a completed application for the installation of solar energy equipment, the Building Commissioner shall:

- a) Act within 30 days from the date of receipt of the application to review the application for compliance with this Section. If it is determined that the applicant is in compliance, he shall refer the application to the City Planning Commission to review the application. If the Solar Panel project is located within the Historic District, the application shall first be referred, within 30-days, to the Bedford Historic Preservation Committee for their review and approval before being considered for approval by the Planning Commission during a second 30-day period. Should the Building Commissioner determine that the application is not in compliance with this Section, a review letter shall be sent to the applicant itemizing the violations.
- b) A Planning Commission hearing shall be held within 30 days of the determination by the Building Commissioner that the application is in compliance with this Section. The Planning Commission shall either recommend approval of the solar energy equipment or, within thirty (30) days, recommend alternatives to the applicant. If the Planning Commission recommends approval of an application, the Building Commissioner shall issue a Zoning Permit for the work provided that the application complies with the requirements of this Section. If the Planning Commission recommends alternatives to the applicant, no permit shall be issued until the applicant formally acknowledges that he or she has received the recommendations of the Planning Commission. Recommendations of the Planning Commissions shall be advisory only, and shall not be considered as grounds for approving or denying an application.
- c) Upon receiving the recommendation of the Planning Commission, the Building Commissioner shall, within fourteen (14) days, either approve or deny the application. Should the application be denied, the applicant may either withdraw the application completely, modify the application in such a way as to bring all aspects of the project into compliance with this Section, or request an appeal of the Building Commissioner's denial of a permit. Appeals of the order shall be heard by the Bedford Board of Zoning Appeals in a timely manner.

B. Once the Zoning Permit has been approved and issued for the installation of the Solar Energy Equipment, construction drawings shall be submitted for review and approval under the applicable residential or commercial construction codes, including the National Electrical Code. Following the normal review of construction documents, the building and/or electrical permits shall be issued at the appropriate cost.

C. Regardless of the action of the Planning Commission, the Building Commissioner shall have the authority to impose reasonable conditions to safeguard the public health, safety and welfare.

1961.06 Criteria for the use of solar energy equipment:

(a) General.

1. Solar energy equipment shall be located in the rear portion of a property or on a side or rear-facing roof, or, upon receiving Planning Commission approval, in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment must comply with all setback and height requirements for the Zoning district in which the property is located.
3. Non-functioning solar energy equipment or systems shall be repaired, replaced or completely removed in their entirety within three (3) months of becoming non-functional.
4. All solar panels shall be equipped with a non-reflective finish/coating.

(b) Ground-mounted solar energy equipment.

1. On Residentially-Zoned Property:
 - A. Solar Energy Equipment shall be located only in the rear portion of a property unless approved otherwise by the Planning Commission; For corner parcels, Solar Equipment shall be located no closer to the side street right-of-way than the primary building line of the structure.
 - B. Solar Panels shall not cover or occupy more than 50% of the available rear-yard area exclusive of all required setbacks;
 - C. Ground-array Solar systems shall have a minimum setback to side property lines of 3-feet and a setback from rear property lines of 6-feet.
2. On Business and Industrially-Zoned Properties:
 - A. Solar Energy Equipment shall be located only in the rear portion of a property or a side portion on a side opposite any side street unless approved otherwise by the Planning Commission; For corner parcels, Solar Equipment shall be located no closer to the side street right-of-way than the primary building line of the structure.
 - B. All Solar equipment shall be shielded from sight from any street, public way or neighboring parcel by a barrier of a height equal to the height of the solar equipment. The buffers shall be constructed of fencing, hedges/bushes or combinations of these items. The Planning Commission may, at their discretion, approve a plan omitting any portion of the required screening for just cause.
3. In the Historic District, ground-mounted solar equipment shall be prohibited.
4. Ground-mounted solar energy equipment may not exceed a height of ten (10) feet above the ground.
5. Solar energy equipment must be and protected from unauthorized access or tampering by appropriate fencing, plantings, or a combination thereof, as determined by the Building Commissioner.
6. All exterior electrical and/or plumbing lines must be placed in a conduit and buried below the surface of the ground.
7. Solar energy equipment shall not block nor overhang any required parking

areas, sidewalks or walkways.

(c) Roof or wall-mounted solar energy equipment.

1. It is encouraged that roof-mounted solar energy equipment shall be installed in the plane of the roof (flush-mounted) or made a part of the roof design (capping or framing is compatible with the color of the roof or structure). Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or would be impossible.
2. Solar energy equipment shall be located on a rear or side-facing roof as seen from the fronting street, unless the applicant can demonstrate that such installation would be ineffective or is impossible. Under no circumstances shall solar equipment be mounted on the front face of a roof in the **Historic Downtown Business District**.
3. Solar energy equipment shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof. Solar energy equipment shall not overhang any window or lower roofing systems, nor any required parking areas, sidewalks, entrances or walkways.
4. All exterior electrical and/or plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and/or the materials adjacent to the lines.
5. In the **Historic Downtown Business District**, solar equipment shall be mounted flush with or within 12-inches of the plane of the roof for flat roofs and shall be located no less than 3-feet from the edge of the roof. Panels may also be wall-mounted upon approval of a historically sensitive design by both the Bedford Historical Preservation Committee and the Bedford Planning Commission. Wall-mounted designs shall also require an engineered attachment plan from an Ohio-certified design professional.

1961.06 Permits and Fees;

A. An application fee in the amount of \$100.00 (One Hundred Dollars) shall be paid at the time of submittal of the application for a **Zoning Permit** to the Building Commissioner. The application fee shall be non-refundable in the event of denial of the application. Only one application fee shall be required for any application provided that re-submittals of the application that become necessary are received by the Building Commissioner within 30-days of the issuance of a review letter or denial of the permit. Upon approval of the application, the **Zoning Permit** shall be issued at no additional cost.

B. Upon issuance of the **Zoning Permit**, additional construction documents and/or manufacturer's data or details may be required before installation. A **Building Permit** and/or an **Electrical Permit** shall also be necessary and shall be issued upon review and approval of construction documents at the current cost of those Permits for Residential or Commercial installations. All installations shall comply with the current editions of the Ohio Building Code, the Residential Code of Ohio and/or the National Electrical Code. Panels and the related

mounting systems shall be designed to support the live, snow load of 30 pounds per square foot and the wind load of 80 miles per hour.

1961.99 Penalties; Whoever violates any provision of this Code shall be guilty of a misdemeanor of the first degree, and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months (6 mos.), or both, for each offense. Each day's continued violation shall be deemed a separate offense.